UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

| UNITED STATES OF AMERICA |) | |
|--------------------------|--------------------------|-----|
| V. |) Criminal No. 17-201 (A | ΒIJ |
| |) | DJ) |
| PAUL J. MANAFORT, JR., |) <u>UNDER SEAL</u>) | |
| Defendant. |) | |
| | , | |

DEFENDANT PAUL J. MANAFORT JR.'S REPLY AND MOTION TO RECONSIDER BASED ON THE SPECIAL COUNSEL'S SUPPLEMENTAL MEMORANDUM WITH RESPECT TO THE COURT'S FEBRUARY 13, 2019 RULING

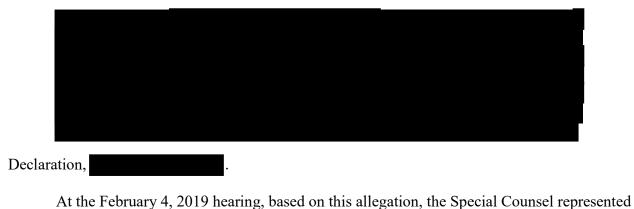
Defendant Paul J. Manafort, Jr., by and through counsel, respectfully submits this reply and motion to reconsider based on the supplemental memorandum filed by the Special Counsel's Office ("Special Counsel") with respect to the Court's February 13, 2019 ruling.

1. Background

On February 26, 2019, the Special Counsel filed a sealed supplemental memorandum containing information that Mr. Manafort contends was subject to production under *Brady v*. *Maryland*, 373 U.S. 83 (1983), and its progeny. The supplemental memorandum informed the Court that a statement included in the Declaration the Special Counsel submitted on January 14, 2019, which the Court relied on when considering whether Mr. Manafort lied during his cooperation, was not accurate.¹

¹ The Special Counsel explains that Mr. Gates' counsel made contact in response to the media coverage of the breach litigation, which resulted in a meeting with Mr. Gates on February 15, 2019. The open question is, therefore, when did Mr. Gates's counsel make the initial contact? If the contact resulted from news coverage of the breach litigation, it would likely have been the result of the February 7 release of the redacted transcript of the hearing on February 4, 2019 (Doc. 500) and the attendant news coverage, because the redacted transcript of the Court's February 13, 2019 ruling was not released until February 15. (Doc. 514). This question of timing is not trivial. The Court should inquire about the timeline relating to the

The Declaration stated:



that

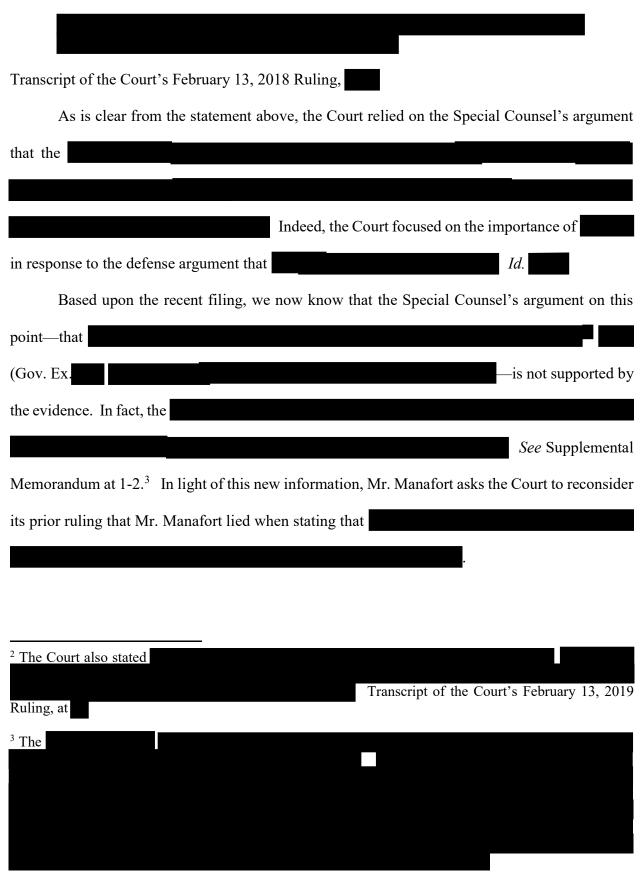
Transcript of

Hearing on February 4, 2019,

Thus, the importance of _______ to the Court's ruling is clear and cannot be overstated. Indeed, when discussing Mr. Gates's testimony, given the serious questions about his credibility, the Court stated:



development of this new information, particularly given the Special Counsel's addition to the record as late as *February 12, 2019* (*i.e.*, before the Court's ruling) in an effort to support its theory.

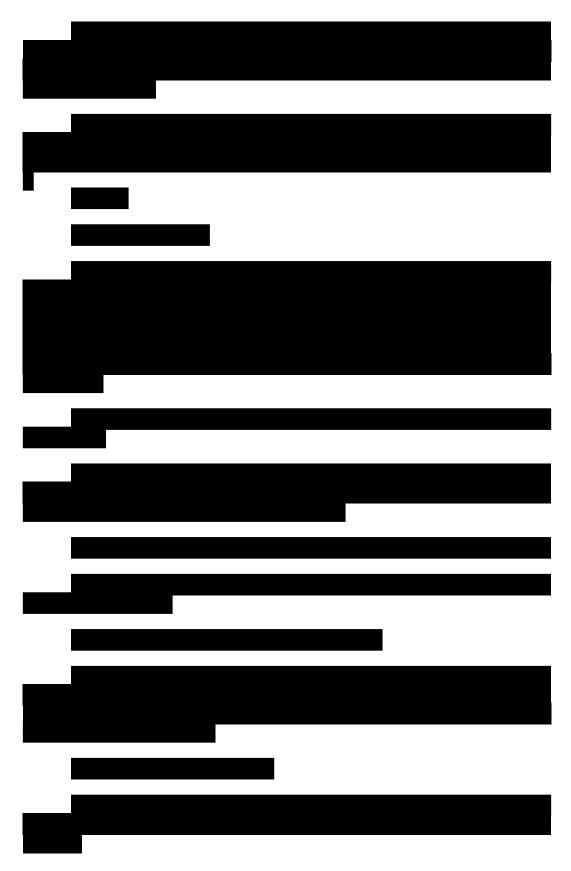


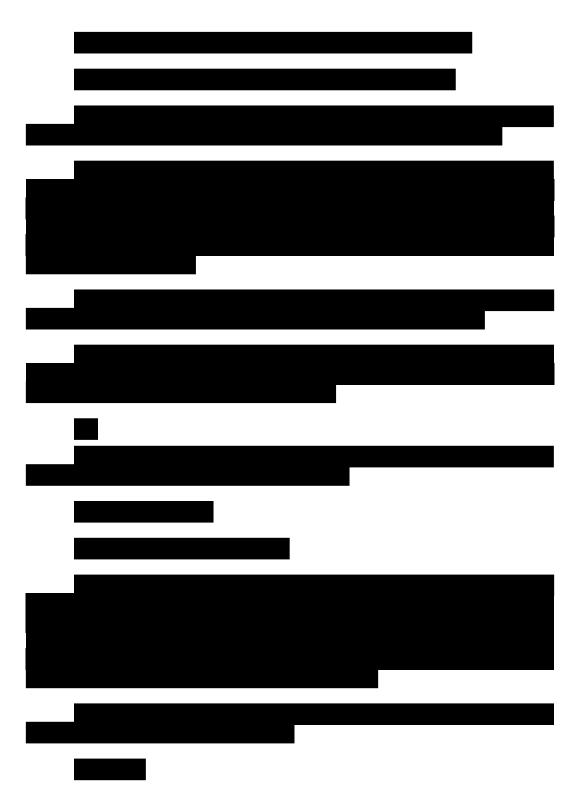
2. Argument

Second, during his grand jury appearance, Mr. Manafort gave the following testimony in response to Mr. Weissmann's questions:



⁴ See Gov.





See Gov. Ex. 4, p. 151, line 7 – p. 154, line 17 and p. 155, line 15 – p. 156, line 12.

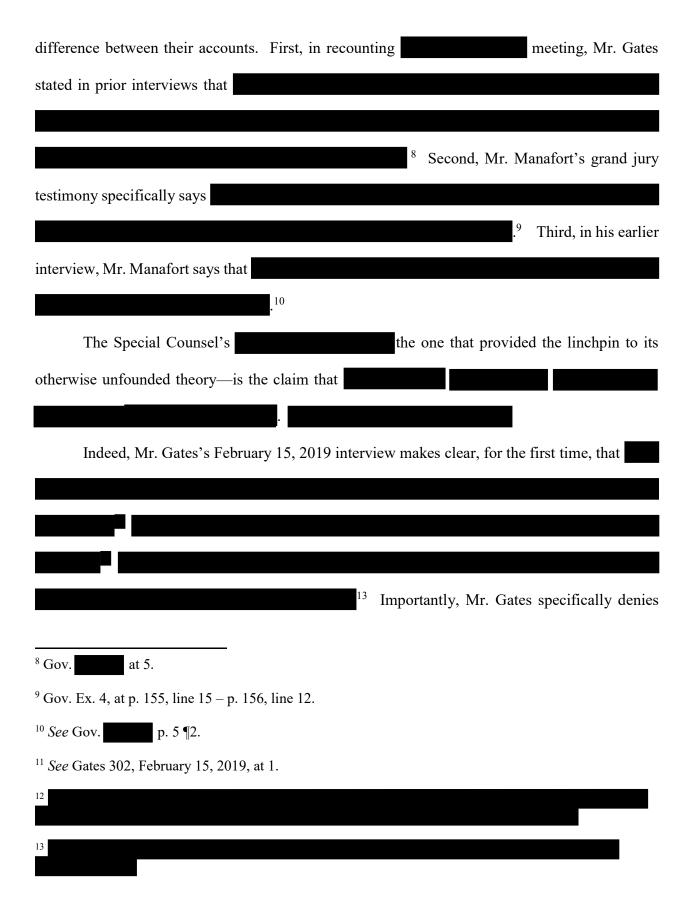
| Now, for the first time, the Court and the defense are advised that on February 15, 2019, |
|-----------------------------------------------------------------------------------------------------|
| the Special Counsel re-interviewed Mr. Gates and he clarified his prior testimony. Mr. Gates stated |
| that the material in |
| .5 This statement is, in fact, consistent with |
| the Mr. Manafort's position at the hearing and fails to support the Special Counsel's argument. |
| Moreover, the Special Counsel has now acknowledged that it was in possession of |
| |
| . See Supplemental Memorandum, at 2 & Exhibit C. Apparently, the Special Counsel did |
| not review those prior to challenging Mr. Manafort's explanation of |
| . Even more troubling is the fact that Special Counsel did not question Mr. Gates about |
| this issue prior to determining that Mr. Manafort lied, filing the breach motion, or making |
| arguments to this Court. ⁶ |
| Mr. Gates also stated |
| |
| |
| ,,7 |

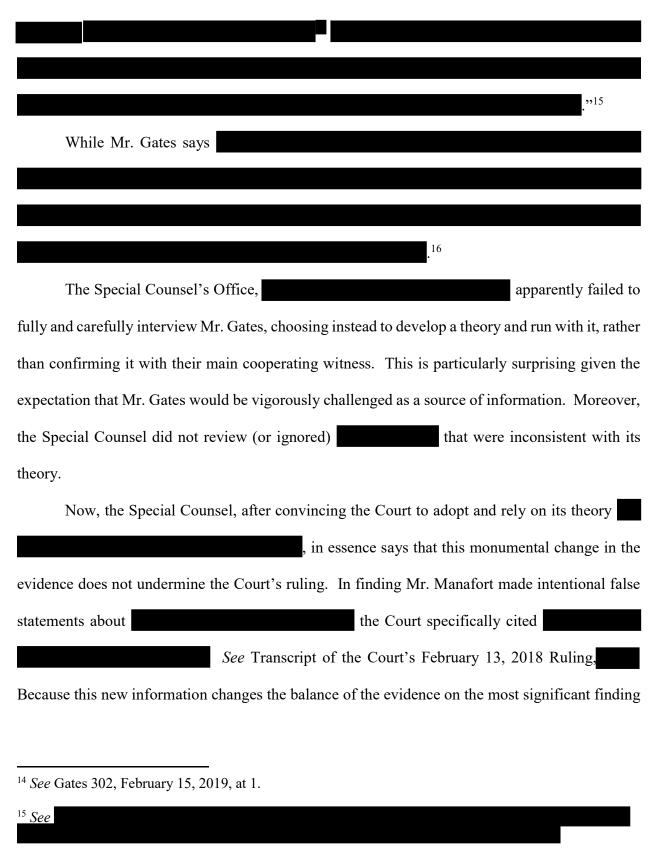
Importantly, when the additional information provided by Mr. Gates is combined with his prior statements and compared with Mr. Manafort's statements in the grand jury, there is little

⁵ *See* Gates 302, February 15, 2019, at 1.

⁶ This failure is even more striking given that the Special Counsel interviewed Mr. Gates about this topic on September 27, 2018, during the same period when it was conducting a series of interviews of Mr. Manafort. *See* Gates 302, September 27, 2018

⁷ *Id*.





¹⁶ See Gates 302, February 15, 2019, at 2.

| made by the Court | made | by | the | Court | _ |
|-------------------|------|----|-----|-------|---|
|-------------------|------|----|-----|-------|---|

- Mr. Manafort asks the Court to reconsider its prior ruling and find that the Special Counsel has failed to carry its burden of proving that the defendant made false

statements about

Dated: March 1, 2019

Respectfully submitted,

/s/

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